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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,126	01/22/2001	Willem Daman	VOYAGER 201	2123
7590	07/05/2005		EXAMINER	
Steven M. Hoffberg, Esq. MILDE, HOFFBERG & MACKLIN, LLP Suite 460 10 Bank Street White Plains, NY 10606			FELTEN, DANIEL S	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 07/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/767,126	WILLEM DAMAN
	Examiner	Art Unit
	Daniel S. Felten	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 January 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/09/2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on April 09, 2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### **Claim Rejections – 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained through the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-37 are rejected under 35 USC 103(a) as unpatentable over Friedland et al (US 6,339,601) in view of Alaia et al (US 6,230,146).

Friedland discloses (a) identifying at least one lot to be auctioned (see Friedland, col. 3, ll. 16+), having a plurality of units and associated auction parameters see Friedland, col. 3, ll. 16+);

(b) transmitting a remaining quantity of units within the lot over a network from a central server to plurality of remote locations (see Friedland, col. 2, ll. 24-42),

(c ) receiving bid identification for remaining units with the lot at contemporaneous offering price from the plurality of remote locations over the network (see Friedland, col. 2, ll. 58-60); and

(d) decrementing the offering price over time (see Friedland, col. 2, ll. 29-36); wherein remaining quantity information and bid identification information are communicated between the *central server* and a plurality of *local servers*, each local server communicating with at least one respective remote location, each server altering a format of information communicated between a remote location and a central server (see Friedland, col. 3, ll. 23-43);

-wherein the auction extends over a predetermined duration (see Friedland, col. 6, ll. 14+)

-wherein the local server and the central server communicate information in packets through a packet switched network (see Internet, Friedland, Abstract)

Friedland fails to disclose wherein the information communicated between the central server and remote server is compressed. Data compression is a means for reducing the amount of space or bandwidth needed to store or transmit a block of data used in data communications. An artisan of ordinary skill in the art at the time of Friedland would have known and understood the benefits of data compression to reduce the amount of need bandwidth between the central server and the remote server and to increase data communication speed. Thus an artisan at the time of the invention would have sought to use the notoriously old and well known compressed data to reduce bandwidth and to consequently provide faster (real-time) communication between the central server and the remote server. Thus such a modification would be considered an obvious expedient well within the ordinary skill in the art.

Friedland fails to disclose that information is contained in a data packet. In packet-switching networks, a data packet, is a transmission unit of data of a fixed maximum size that consists of binary digits representing both digits representing both data and a header containing an identification number source, destination addresses and error-control data. Data packets are used primarily in a data-packet network (such as the Internet). Since Friedland's invention transmits information/data over the Internet (see Friedland, Abstract, col. 2, ll. 12+), It would have been obvious for an artisan of ordinary skill in the art to recognize the fact that the information that is being transmitted is in the form of data packets. Thus an artisan at the time of the invention of Friedland would have sought to use data packets to transmit the large amounts of information from and/to the central server. Thus to use the data packet in Friedland invention would be an obvious expedient to one of ordinary skill in the art.

Friedland fails to disclose wherein said *local server* comprises a ruled database, and requires that bid identifications transmitted to said central server conform to rules in said rule database. Alaia discloses decision rules (see Alaia, col. 7, ll. 53+). It would have been obvious for an artisan at the time of the invention to employ the aforementioned feature of Alaia within Friedland because an artisan would have been motivated to provide order and conformity to the auction so as to provide a sense of fairness for all bids that are submitted either locally or remotely. Thus such a modification would be within the ordinary skill in the art.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Daniel S. Felten whose telephone is (703) 305-0724. The Examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday. Any inquiry of a general nature relating to the status of this application or its proceedings should be directed to the Customer Service Office (703) 306-5631 or the examiner's supervisor Vincent Millin whose phone number is (703) 308-1065.

Response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

For formal communications intended for entry, or (703) 305-0040, for informal or draft communications, please label "Proposed" or "Draft".

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [Daniel.felten@uspto.gov].

All Internet e-mail communication will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly

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signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1 195 OG 89.



DSF

June 23, 2005

VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

